IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

WP(C).No. 31728 of 2007(B)

PETITIONER:

MANU.E.JOHN, AGED 35 YEARS,
S/O.JOHN PAULOSE, ELANGATTU, KOODAL-689 693,
PATHANAMTHITTA.

BY ADV. SRI.P.JACOB VARGHESE
SRI.VARUGHESE M EASO
SRI.VIVEK VARGHESE P.J.
SMT.NISHA JOHN
SRI.K.B.ARUN
SMT.ELIZEBETH MEERA

RESPONDENTS:
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1. THE DISTRICT COLLECTOR,
PATHANAMTHITTA.

2. DISTRICT SUPPLY OFFICER,
CIVIL SUPPLY OFFICE, PATHANAMTHITTA DISTRICT.

3. COMMISSIONER OF CIVIL SUPPLIES,
DEPARTMENT OF CIVIL SUPPLIES, TRIVANDRUM.

BY GOVERNMENT PLEADER SRI.N.SANTHOSH TO R1 TO R3

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.31728/07

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF PROCEEDINGS NO.C.S.3-1818/00 DT.15.1.07 OF DISTRICT SUPPLY OFFICER.

EXT.P2: TRUE COPY OF ORDER NO.CS3-1818/00 DT.27.9.07 OF the DISTRICT COLLECTOR.

EXT.P3: TRUE COPY OF APPLICATION DT.9/10/2007 BEFORE THE COMMISSIOENR OF CIVIL SUPPLIES, TRIVANDRUM BY THE PETITIONER.

EXT.P4: TRUE COPY OF REVIEW PETITION BEFORE THE DISTRICT COLLECTOR ON 11/10/07 BY THE PETITIONER.

//TRUE COPY//

P.A. TO JUDGE

ANTONY DOMINIC, J.
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W.P.(C) NO. 31728 OF 2007 B
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Dated this the 19th day of December, 2007

J U D G M E N T

By Ext.P1 order, one Smt.Savithri Omanakuttan was appointed as ARD No.116 of Adoor Taluk. Aggrieved by Ext.P1 oder of appointment, petitioner filed an appeal before the District Collector, which was disposed of by Ext.P2 order setting aside the appointment by Ext.P1 order and holding that the appointee was ineligible for such appointment. In view of this, petitioner asserts that having won in the appeal, he is entitled to be appointed as the ARD. As orders in this respect were not forthcoming, petitioner has filed Ext.P3 representation before the Commissioner for Civil Supplies, the 3rd respondent herein praying for consequential orders appointing him as the ARD. Even as Ext.P3 did not evoke any response, this writ petition was filed.

2. Now that appointment by Ext.P1 has been set aside by

Ext.P2, the respondents are required to take consequential action following the appellate order. It is on account of the inaction in this respect, petitioner has filed Ext.P3 and there is no reason why orders are not passed even on Ext.P3.

3. In view of this, I dispose of this writ petition itself directing that the 3rd respondent shall take up and consider Ext.P3 application made by the petitioner, as expeditiously as possible, at any rate within eight weeks of production of a copy of this judgment. Before final orders are passed, petitioner shall also be given an opportunity of hearing.

Petitioner shall produce a copy of this judgment before the 3rd respondent for compliance.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp